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ABSTRACT

This paper addresses the very timely issue of national information policy, particularly in view of the pending second White House Conference on Libraries and Information Services in July 1991. Information policy is examined from economic, political, and social points of view and the national government is urged to address the challenging task of information policy development. The geopolitics of information, the economics of information, the nature of intellectual property in an electronic age, citizen access to government information, the extent of public responsibility for identifying and responding to citizen information needs, the attendant costs of meeting those needs, and the impact of regulation on the broadcast media are identified as complex policy issues that merit further debate and research among government officials, the information industry, and the non-government, not-for-profit sectors of the information community. Ways are suggested to reconcile the debate over the issues of public information policy which should be formulated by the duly elected representatives of the citizenry. (12 references) (MAB)

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Occasional Paper
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Research Issues in Information and Public Policy

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PREFACE

This second paper in the UWM-SLIS Occasional Papers series addresses the very timely issue of national information policy particularly in view of the pending second White House Conference on Libraries and Information Services from July 9 through 13, 1991. Dr. Thomas J. Galvin has spoken on the issue of national information policy for the last several years and his insights on the matter should add to the ongoing discussions among librarians and between them and public policy makers.

At the time when Dr. Galvin delivered his address at the UWM-SLIS, he was the Executive Director of the 47,000 American Library Association, a position he has held from 1985 to November 1989. Prior to assuming the ALA position, he was Dean of the School of Library and Information Science at the University of Pittsburgh from 1974 to 1985. He is currently professor in the School of information Science and Policy at the State University of New York, Albany (SUNY). Professor Galvin holds the baccalaureate degree with distinction in English from Columbia University, the Master of Science in Library Science from Simmons College and the degree of Doctor of Philosophy from Case Western Reserve University. He is a member of Phi Beta Kappa and Beta Phi Mu. He is the author, co-author or editor of eighteen books and more than one hundred published articles and reports.

An active member of the American Library Association, Dr. Galvin was elected president of the ALA in 1979-80 and was a delegate to the first White House Conference on Library and Information Service in 1979. He has served as a consultant to a variety of public, academic and special libraries, library education programs, publishers, and government agencies both in the United States and abroad.

Dr. Galvin's presentation is based upon an essay titled "Research Issues in Information and Public Policy" to be published in *Library Education and Leadership: Essays in Honor of Jane Anne Hannigan,* edited by Sheila Intner and Kay Vandergrift, published by Scarecrow Press. It is published in this *Occasional Papers Series* by permission of the author and the publisher.

Mohammed M. Aman, Ph.D.
Dean and Professor

Milwaukee
December 7, 1989

First, I want to thank Dean Aman and his faculty colleagues for giving me the opportunity to visit the School of Library and Information Science. I also wish to thank all of you for giving up a delightful Spring evening so that I can share some thoughts with you about issues of information and public policy.

I have been fascinated by, and deeply involved in, issues relating to national information policy for more than a decade, in several roles. First, as President of ALA, 1979-80, when my Presidential Program was devoted to creating "An Information Agenda for the 1980's." Subsequently, as Dean of the University of Pittsburgh's School of Library and Information Science, which pioneered in teaching and research in such areas as copyright, intellectual property and legal issues in library and information resource management. As a member of the United States National Commission for UNESCO, I participated in the debates over the MacBride Commission Report, *Many Voices, One World*, which raised the troublesome (to the West) concept of NWICO (New World Information and Communications Order) - a key element in the United States and British decisions to withdraw from UNESCO. And, as ALA Executive Director for the last three and one half years, a great deal of my time has gone into articulating ALA's position on such critical matters as citizen access to government information.

I must make the appropriate disclaimer. The issues I will talk about tonight are on ALA's information policy agenda. ALA's official view (on those about which ALA has taken a policy stance) will be found in the ALA Federal Legislative Policy (1987) and in the ALA Policy Manual, incorporated in the 1988-89 *ALA Handbook of Organization*. While I believe that nothing I will say to you tonight is in conflict with ALA policy, the views I will present are my own, not those of ALA.

I might also say that one of the most challenging problems of information policy is that policy issues emerge more quickly than we can address them, so the agenda is always very full. My little handout, which consists of headlines from four stories in a single issue of *The New York Times,* February 21, 1989, shows how information policy questions proliferate, and how pervasive they are in our society.[1]

The first headline, on the Rushdie episode probably requires no explanation - the issue of intellectual freedom is very clear. It is an issue about which ALA, with Association of American Publication (AAP), the American Bookseller Association (ABA), responded quickly through a full page ad in *The New York Times.* But, there is the further issue of cultural integrity and the more complex question of whether one society has the right to impose a standard of intellectual freedom on another society to which that principle may be alien.

The second headline reports the opposition of ALA and the library community to a proposed revision of Office of Management and Budget (OMB) circular A-130, which could be interpreted as prohibiting government agencies from adding value to government data in electronic formats. It raises an issue of balance between the role of government and

the role of the information industry in making government information accessible to citizens. It requires mediation between two conflicting values - citizen access vs. the free-enterprise system - both cornerstones of our society.

The third headline is "Cuba Curious to See U.S. Television." The United States Information Agencys (USIA's) "Television Marti," appears to violate United Nations' communication agreements that protect domestic broadcasting systems from outside interference. Does a country have the right to control the flow of information which it considers hostile to its own political and social values? The United States asserts that right, the under the McCarran Walter Act, to prohibit entry of communist sympathizers as public speakers.

"Chicago Board" describes a planned electronic linkage of the trading systems of the Chicago Board of Trade and the London International Financial Futures Exchange. This raises several issues. Who regulates and polices this trading? How can it be monitored and controlled in the public interest in an electronic environment?

I do not imagine that the people in this room need much further persuasion about the correctness of the judgments of Daniel Bell, Marc Porat and others that the industrialized countries are well into the transition from manufacturing economies to information-based economies.[2] While there remain some significant differences of opinion as to precisely how to delimit the boundaries of the information sector of the economy for purposes of measurement, it is nonetheless increasingly evident that information, in a variety of forms and formats, has become the central currency of society in the last quarter of the twentieth century.

We have understood for a long time that an informed citizenry is vital to the viability of a democratic society. Information, therefore, is of enormous political significance. While the concept of the economic significance of information as intellectual property traces back to fifteenth century Venice, it is only in the contemporary post-industrial economy that information becomes critically important, when more and more of the labor force is engaged primarily in the collection, organization, analysis and dissemination of information. What is less frequently recognized, I think, are the geo-political and geo-strategic significance of information in the contemporary world. In an extraordinarily visionary little book called *The Geopolitics of Information*, published in 1980, Anthony Smith, then Director of the British Film Institute, suggests that in the modern world "information structures are predeterminants of the viability of nations." Smith observes, for example, that "a society with no access to satellite sensoring data about itself is unable to control its own economic destiny and can in no real sense any longer be thought to be 'free'." He concludes by suggesting that: "The whole history of the nation as a political unit of mankind has been predicated on territoriality; the technology of printing came into being in the same era as the nation-state and both seem to be reaching the end of their usefulness in the era of the computer. It is physically impossible to impose upon data the same kinds of controls that are imposed upon goods and paper-borne information....[3]

My point simply is that information, as an economic, political and social phenomenon, merits systematic scholarly and professional attention, and that national governments are increasingly obliged to address the challenging task of information policy development. Challenging because the issues of information policy are so diverse, so complex and, in so many instances, seemingly not amenable to analysis by the conventional methods of the traditional disciplines.

Consider, for example, the area of the economics of information. Jay Oglivy, formerly of Stanford Research Institute International, and now associated with the Media Lab at Massachusetts Institute of Technology, has asserted that "a Nobel Prize is waiting for the person who figures out the economics of information."[4] Classical economics has great difficulty dealing with information as a commodity, because unlike other forms of property, information is not consumable, it doesn't get used up or worn out, and it remains accessible and useful to the seller even though it has also been made accessible to the buyer. As Stewart Brand points out in The Media Lab, "the structure of the world information economy is being determined by traffic rather than policy, in part because there's no world body politic, in part because there's no workable theory of what's happening."[5] The absence of a workable theory of what's happening in the information marketplace is surely a vacuum that research needs to fill. At the moment, we simply don't have the capacity to describe an information-based economy in empirical terms, so we are reduced to dependence on instinct and on rhetoric as the primary tools for public policy development.

Consider for example the notion of copyright as a legal device to advance the public policy objective, as expressed in the Constitution of the United States, of promoting "the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." The late Ithiel de Sola Pool, in what I consider to be the single most useful analysis of the impact of electronic information technologies that has yet been produced, a book called *Technologies of Freedom*, points out that copyright, literally the right to make a copy of something, is "rooted in the technology of print." He suggests that, "with the arrival of electronic reproduction," copyright is no longer workable.[6]

With respect to intellectual property, the challenge to public policy makers is to strike an optimal balance between proprietary rights and access rights. With information that is in printed form, that balance point is reflected in the notion of "fair use," a carefully defined, limited set of circumstances under which the law permits copying of a copyrighted work without the consent of the copyright owner.

Fair use works reasonably well for print. But, when we try, for example, to extend the notion of fair use to other formats, such as copyrighted videos, it comes squarely into conflict with an equally powerful concept called "public performance." Over the last two years, I've been involved in a fascinating, if at times frustrating, ongoing debate among four parties - educators, librarians, Hollywood producers of feature films, and producers of educational films over the question, "Where does fair use end and public performance

begin in the case of copyrighted videos in schools and libraries?" The question is, at what point does a broad operational definition of fair use of copyrighted videos result in demonstrable economic harm to the copyright owner? The debate has been long on rhetoric and notably short on empirical data. If the problem is of interest, I commend to you the February 1989 issue of *American Libraries*, where an ALA staff colleague, Sally Mason, and I have gathered a range of legal and professional views on what remains a very complex and murky problem.[7]

The public policy issues that relate to information are by no means exclusively economic, although on closer examination and analysis, many of them turn out to have a significant economic dimension. I'm reminded of the observation of a sometimes jaded contemporary that "whenever anybody says it's not the money, it's the principle - it's the money!" For example, as Steven Katz points out in a recent People for the American Way survey of the practices of the Reagan administration in erecting new barriers to the free flow of information both domestically and worldwide, the restrictions that government agencies have tried to impose on foreign access to scientific and technical information, in the name of national security, (which include, by the way, the FBI's ludicrous Library Awareness Program), can more readily be explained in terms of maintaining a competitive global economic advantage for the United States, than in terms of threats to national security.[8]

A few years ago, I had the interesting experience of serving on a task force created by the National Commission on Libraries and Information Science to develop policy options on the respective roles of the public sector and the private sector in providing access to the information resources that are created by agencies of the federal government as a consequence of carrying out the responsibilities assigned to them by statute.

The task force was comprised of three groups of people - government officials, representatives of the information industry and individuals associated with the non-governmental, not-for-profit sector of the information community such as professional societies, libraries and universities. That group met periodically for about two years, eventually producing a report that was roundly criticized by the library community and just as vigorously denounced by the information industry, which may indicate that it struck a reasonably fair balance between the interests of the public sector and the values of the private sector.

The original charge to the task force was to sort the universe of government information activities, products and services into two mutually exclusive categories - those that should appropriately be the business of government and those that should be assigned entirely to the private sector. Needless to say, since a vigorous debate continues over the appropriateness of government agencies' adding value to and marketing information products and services, we failed in our assignment! What we did succeed in doing, I think, was to identify and explicate the issues more fully than had been done before. We observed, for example, that the nature of the information dissemination process in our society, what

is sometimes called the 'information chain,' is such that all three groups - the federal government, the information industry, and the non-federal, not-for-profit sector - are frequently involved in getting a given piece of data from creator to end user. An excellent example is the ERIC system, which is intended to make the results of educational research available to both teachers and citizens who share with the federal government an interest in improving the schools. The ERIC data base is created with federal funds, chiefly by non-governmental, not-for-profit agencies like universities. It is then made available to private sector commercial information vendors, such as the on-line services, which deliver it electronically to non-governmental, not-for-profit organizations like libraries to make available to users. That illustrates the impossibility of any attempt to assign specific information functions exclusively either to government or the private sector.[9]

We also lack an objective means to assess the societal impact of a federal policy that has resulted in at least a twenty-five percent reduction in the number of United States government publications over the last eight years.

The continuing debate over the appropriate role and responsibility of the federal government for the dissemination of government information exemplifies the larger controversy over the nature of information itself. Is information a public good, such as clean air or safe streets, or is it a commodity to be traded in the commercial marketplace? Stewart Brand concludes that the difficulty is that information is apparently something of both. He writes:

> Information wants to be free. Information also wants to be expensive. Information wants to be free because it has become so cheap todistribute, copy and recombine. It wants to be expensive because it can be immeasurably valuable to the recipient. That tension will not go away. It leads to endless wrenching debate about price, copyright, intellectual property, and the moral rightness of casual distribution because each round of new devices makes the tension worse, not better.[10]

The fee vs. free issue (which I happen to believe is more usefully stated as - Who pays? How do they pay? And how much do they pay?) has been characterized by an abundance of rhetoric and an absence of systematic, disciplined, dispassionate inquiry. At the most basic level, we lack objective data, or even an adequate framework for gathering objective data, on the state of information access in America. Here again, the academic research community could and should play a significant role in developing, testing and validating a series of indicators, indicators that would make it possible to estimate whether the growth of the fee-based, private sector, and the accompanying decline in public support for the tax-funded information resources such as libraries, has, in fact, created a measurable and unacceptable gap between the information rich and the information poor. Our instincts, supported by considerable anecdotal evidence, strongly suggest that this is indeed the case, but we have little compelling objective data to place before those must make public policy judgments.

Consider the issue of broadcast regulation, through such devices as the fairness doctrine, which used to require broadcasters to provide opportunities for presentation of divergent points of view on controversial issues, and the equal time provision, which still requires that a broadcaster who makes time available to one candidate for public office must provide equal time to all other candidates. There is no disagreement about the objective - to encourage robust public debate through the broadcast media on matters of public interest. But there are wide differences of opinion as to whether government regulation contributes to or diminishes the likelihood of presentation of diverse views. There is little objective evidence that can be drawn on to provide guidance to those who must choose between those policy options. It is noteworthy that the Presidential Candidate Debates require suspension of the equal time rule.

The geopolitics of information, the economics of information, the nature of intellectual property in an electronic age, citizen access to government information, the extent of public responsibility for identifying and responding to citizen information needs, and the attendant costs of meeting those needs, the impact of regulation on the broadcast media - all of these, and many other equally complex policy issues merit, in my view, a high place on the information community's research agenda. What I find particularly striking about all of these issues is that public debate about them has tended up to now to be characterized by conflicting values expressed as "either/or" options.

1) Information must either be a free good or it must be a marketplace commodity. It cannot be both.

2) One must either sacrifice national security and national economic interest to preserve the concept of an open scientific and technical literature, or one must severely restrict the worldwide flow of scientific and technical data in the interest of military security and the retention of competitive economic advantage.

3) Government must either absent itself entirely from the information marketplace or compete unfairly with the private sector information industry.

Formulating the issues as mutually exclusive alternatives makes for lively public debate, but it also tends to be simplistic. The role of research becomes that of substituting objective data for anecdotal evidence, of substituting measurement for instinct, of distinguishing between what might happen and what, in fact, has happened, of substituting clarification for rhetorical obfuscation.

The role of research is not to make public policy decisions. In a democratic society, public policy is not formulated by the academy, but by the duly elected representatives of the citizenry. The role of research in public policy development includes:

1. Identification of emerging policy issues - for example, the impact of new technology on such traditional concepts as the notion of intellectual property.

2. Collection and analysis of relevant factual information, preferably in quantifiable, measurable form. What, for example, are the identifiable, measurable consequences of the privatization of government information which has been gathered and organized at taxpayer expense?

3. To pose the most salient questions. For example, is the public policy objective to maximize citizen access to government information or is it to preserve the library as a social instrumentality?

4. To identify policy options and to explore and predict the societal consequences of various policy choices. What, for example, are the identifiable consequences of the FCC's having abandoned the fairness doctrine? Does deregulation in fact diminish access to the broadcast media for expression of divergent opinions, or has it served to enhance both the quantity and the quality of public debate?

Let me simply suggest that a professional school like the University of Wisconsin-Milwaukee, School of Library and Information Science, which is concerned with preparation for careers in the information professions, has both an opportunity and an obligation to prepare its students to provide professional leadership in the national policy debate.

And finally, let me also suggest that the national professional societies, of which ALA is the oldest and the largest, will increasingly find that information policy issues will crowd to the top of their organizational agendas. This means that the professional societies will need the most able and the most thoughtful new professionals to provide leadership in that national policy debate. And it also means that those who want to have the resources of a 48,000 member, $25 million organization behind them when they address these issues, will join and become active in ALA. This is an important and challenging agenda that your profession and your professional associations will face over the next decade. ALA needs every one of you - ALA needs your ideas, your energy and your support. Please join us!

Notes

1. *New York Times*, February 21, 1989

   "Europeans Recall Envoys from Iran Over Rushdie Case. Reply to Khomeini. No Economic Steps Now, But Officials Warn of Still Tougher Curbs."

   "Librarians Charge Plan Would Cut Flow of Data. Most Agencies Now Charge a Modest Fee for Materials."

   "Cubans Are Curious to See U. S. Television. Castro Promises to Respond to the Voice of America Trial Run."

   "Chicago Board Discussing Trading Link with London."

2. Marc U. Porat, *The Information Economy* (Washington, D.C.: U. S. Department of Commerce, 1977).

   Daniel Bell, *The Coming of Post-Industrial Society* (New York: Basic Books, 1973).

3. Anthony Smith, *The Geopolitics of Information* (New York: Oxford University Press, 1980), 114, 131, 174.

4. Stewart Brand, *The Media Lab: Inventing the Future at MIT* (New York: Penguin Books, 1988), 229.

5. *Ibid*, 248-9

6. Ithiel de Sola Pool, *Technologies of Freedom* (Cambridge, MA: Harvard University Press, 1989), 214.

7. Thomas J. Galvin and Sally Mason, eds, "Video, Libraries and the Law: Finding the Balance," *American Libraries*, XX (Feb. 1989) 110 - 119

8. Steven L. Katz, *Government Secrecy: Decisions Without Democracy* (Washington, D.C.: People for the American Way, 1987)

9. National Commission on Libraries and Information Science, *Public Sector/Private Sector Interaction in Providing Information Services* (Washington, D.C.: Government Printing Office, 1982)

10. Brand, page 202.